

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue
Implementation and Administration of California
Renewables Portfolio Standard Program.

Rulemaking 11-05-005
(Filed May 5, 2011)

**DECISION GRANTING COMPENSATION TO CLEAN COALITION FOR SUBSTANTIAL
CONTRIBUTION TO DECISION 12-05-035**

Claimant: Clean Coalition (formerly the FIT Coalition)	For contribution to Decision 12-05-035
Claimed: \$104,606.00	Awarded (\$): \$97,327.50 (reduced 7%)
Assigned Commissioner: Ferron	Assigned Administrative Law Judge (ALJ): ALJ Regina DeAngelis

PART I: PROCEDURAL ISSUES**A. Brief Description of Decision:**

Decision (D.) 12-05-035 Implemented many aspects of Senate Bill (SB) 32, a feed-in tariff bill for renewable energy projects 3 Megawatts (MW) and below.

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	June 13, 2011	Correct
2. Other Specified Date for Notice of Intent (NOI):		N/A
3. Date NOI Filed:	7/8/2011	Correct
4. Was the notice of intent timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on Administrative Law Judge (ALJ) ruling issued in proceeding number:	Not yet issued	Rulemaking (R.) 10-05-006
6. Date of ALJ ruling:	TBD	July 19, 2011
7. Based on another CPUC determination (specify):	Ruling forthcoming	N/A
8. Has the claimant demonstrated customer or customer-related status?		Yes
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.10-05-006	Correct
10. Date of ALJ ruling:	7/19/2011	Correct
11. Based on another CPUC determination (specify):		N/A
12. Has the claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804I):		
13. Identify Final Decision	D.12-05-035	Correct
14. Date of Issuance of Final Decision:	May 24, 2012	Correct
15. File date of compensation request:	July 10, 2012	July 16, 2012
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
		X	Clean Coalition pointed Commission staff to R. 10-05-006 in regards to its satisfaction of Pub. Util Code § 1802(b). A finding of significant financial hardship was made after Clean Coalition filed its NOI in this proceeding. The ruling on Clean Coalition's showing of significant financial hardship has merit, and is therefore accepted in this proceeding.

PART II: SUBSTANTIAL CONTRIBUTION**A. Claimant's claimed contribution to the final decision** (see § 1802(i), § 1803(a) & D.98-04-059):

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
Staff Proposal contributions by the Clean Coalition: - The Clean Coalition submitted opening and reply briefs on SB 32 implementation (March 7, 2011 and March 22, 2011) in R.08-08-009, and then, in R.11-05-005 (the successor proceeding) two rounds of comments on the ALJ Ruling (July 22 and August 26, 2011), and two rounds of comments (Nov. 2 and Nov. 15, 2011) on the staff proposal; and participated in a workshop on Sept. 26 that led to the staff proposal.	Almost a year of activity by stakeholders and Commission staff preceded the Staff Proposal to implement SB 32. The Staff Proposal cites the Clean Coalition numerous times, as described below.	Comments in R.11-05-005 were filed on July 21, 2011, not July 22, 2011. Comments in R. 11-05-005 were filed November 14, 2011 not November 15, 2011.
- Party pricing proposals	Staff Proposal at 3: "Various parties recommend the Commission set the FIT price using the MPR as the base and then adjusting the price for various adders, including TOD factors, avoided environmental externalities, locational benefits, health improvements, or job creation. These parties include: Vote Solar, AgPower, CA Farm	Yes ¹

¹ After conferring with Clean Coalition, the *Staff Proposal* was filed on October 13, 2011. Intervenors must use the correct dates and page numbers when citing to their contributions to a particular decision.

	<p>Bureau, Clean Coalition, SunEdison, CalSEIA, and Solar Alliance.”</p> <p>The Staff Proposal adopted our recommendation for a locational adder, but not our recommendation to use the MPR as the starting price at 7, at 10-11)</p>	
- Price adjustments	<p>Staff proposal at 14: “In the Clean Coalition’s June 21 Comments, the Clean Coalition made the following proposal, suggesting that similar to the CSI program, the digression is specific to each utility.</p> <p>First half of each IOU’s share 2009: MPR plus TOD</p> <p>Third quarter of each IOU’s share: Minus 5% from 2009 MPR</p> <p>Fourth quarter of each IOU’s share: Minus 10% from 2009 MPR”</p> <p>The Staff Proposal adopted a similar version of our volumetric pricing proposal (at 12), requesting further comments from parties, which the Clean Coalition supplied in later comments.</p>	Yes
- Project viability and queue management	<p>Staff proposal at 21: “Various parties, including the Clean Coalition, SunEdison, Fuel Cell Energy, CEERT, Vote Solar, CalSEIA, and Silverado propose some degree of project viability requirements. Staff agrees with the need for project viability criteria and proposes the following criteria, which are mostly consistent with the RAM program. The only difference is the bid fee and seller concentration, which are not a requirement in the RAM program.”</p>	Yes
- Bid fee	Staff proposal at 21:	Yes

	<p>“Staff agrees with the need for project viability criteria and proposes the following criteria...”</p> <p>“Bid fee</p> <p>a. \$2/kW (Clean Coalition, SunEdison, FCE, CEERT)”</p>	
- Online date	Staff Proposal at 21: “18 months with one 6-month extension for regulatory delays (Clean Coalition).”	Yes
Final Decision, D.12-05-035	The Final Decision cites the Clean Coalition numerous times and, as can be seen from our involvement in the previous Staff Proposal, our involvement was a substantial contribution in itself in helping staff to develop their proposal. The Final Decision did not, unfortunately, adopt many of our or the Staff Proposal’s recommendations. We describe here the citations to the Clean Coalition’s contributions in the FD and how the FD dealt with our recommendations.	
FD, Contract Price	<p>FD, at 21:</p> <p>“Clean Coalition also supports continued reliance on the MPR adjusted to reflect time-of-delivery payments per § 399.20(d)(3), all current and anticipated environmental compliance costs per § 399.20(d)(1), and locational benefits per § 399.20(e). Regarding environmental benefits, Clean Coalition acknowledges that the MPR currently captures some environmental costs but suggests that under § 399.20(d)(1) the Commission has authority to make further adjustments. Specifically, Clean Coalition recommends that the MPR be adjusted to capture current or future additional environmental compliance costs,</p>	See D.12-05-035 at 23.

	<p>including those costs noted by a report cited in CALSEIA's comments² on the value to ratepayers of avoided methane, NO_x, CO₂, SO_x, VOCs, and PM₁₀ emissions. Clean Coalition suggests this value could be represented by the addition of 1 cent/kWh to the MPR. Regarding locational benefits, Clean Coalition suggests this value could be represented by the addition of 35% of the MPR based on the type of grid support provided, such as avoided transmission, avoided line losses, reliability and blackout prevention, and improved power quality."</p> <p>The FD adopted the Staff Proposal's recommendation of the RAM clearing price for the ReMAT (SB 32) starting price (at 2), deciding against the MPR as a starting price because the MPR is based on the proxy cost of a new natural gas power plant (at 28)</p> <p>However, the FD also adopted (at 41-42), without citing the Clean Coalition, the requirement that the Re-MAT price adjust upward if less than 50% of the allocation was subscribed. The FD does not cite us specifically, but we were the only ones to suggest this change from the PD.</p>	<p>Yes</p> <p>Yes</p>
FD, Price Adder and Adjustments	<p>FD, at 27-28:</p> <p>"The Renewable FiT Staff Proposal also recommends a locational adder for generation located in so-called "hot spots." Hot spots are defined in the Staff</p>	<p>See D.12-05-035 at 30-31.</p>

² <http://calseia.org/wp-content/uploads/2010/05/pv-above-mpr-methodology-final-20100423.pdf>.

	<p>Proposal as “areas where distribution and transmission system upgrades can be deferred if new generation is located in that area.”³ Lastly, the Staff Proposal recommends a price adjustment mechanism for each product type for each utility after a certain subscription level (or lack thereof). Staff did not recommend a particular adjustment mechanism but rather referred to CALSEIA, SCE, Clean Coalition, and Vote Solar Initiative’s recommendations.”</p> <p>The FD declined to adopt a location adder, stating that the idea had merit but needed “additional scrutiny” (at 34).</p>	<p><i>See D.12-05-035 at 38.</i></p>
FD, Other Price Adders	<p>FD, at 29: “As discussed above, CALSEIA, Placer County, Silverado Power, the Solar Alliance, Vote Solar Initiative, Clean Coalition, and other parties support a pricing proposal based on adjusting the MPR with some type of adder, for example, an adder based on the attributes of a specific technology type, locational conditions, or environmental societal benefits.”</p> <p>The FD declined to adopt a location adder, stating that the idea had merit but needed “additional scrutiny” (at 34).</p>	<p><i>See D.12-05-035 at 32.</i></p> <p><i>See D.12-05-035 at 38.</i></p>
FD, Transmission Adder	<p>FD, at 34: “We do not adopt other components of the Renewable FiT Staff Proposal, including the</p>	<p><i>See D.12-05-035 at 37.</i></p>

³ Renewable FiT Staff Proposal at 7 (attached to ALJ Ruling dated October 13, 2011).

	<p>location adder or a transmission adder because we find these components either inconsistent with existing law or require more development. Regarding the transmission adder, we find that the record does not support a determination that the transmission costs for particular RAM contracts constitute the avoided transmission costs for renewable FiT generators under the law. As discussed previously regarding Clean Coalition's suggested location adder, we agree with the concerns expressed by SCE and the other utilities that additional scrutiny is needed before the Commission adopts a location adder. Furthermore, the requirement that projects in the § 399.20 FiT Program be "strategically located," as discussed separately in Section 6.9, addresses the concerns that parties and Staff sought to address through a locational adder, which is to provide an incentive to generators to locate in areas with load in order to avoid upgrades to the transmission system."</p> <p>The FD declined to adopt a location adder, stating that the idea had merit but needed "additional scrutiny" (p. 34).</p>	<p><i>See D.12-05-035 at 38.</i></p>
FD, Ratepayer Indifference	<p>FD, at 54: "In March 2011 briefs and comments filed in July, August, and November 2011, parties addressed the meaning of the requirement under § 399.20 that "ratepayers that do not receive service pursuant to the tariff are indifferent to whether a ratepayer with an electric generation facility receives service pursuant to the</p>	<p><i>See D.12-05-035 at 59.</i></p>

	<p>tariff.” Some parties, including CEERT, stated that ratepayers are indifferent to any avoided cost rate. Other parties found ratepayers to be indifferent to any rate that is value based. These parties include CALSEIA, Agricultural Energy Consumers Association (AECA)/Inland Empire Utilities Agency, and Clean Coalition. Clean Coalition also cited the Commission’s application of a customer indifference provision in the implementation of AB 1613.”</p> <p>The FD agreed in part with our recommendations on ratepayer indifference (at 54-55), agreeing that ratepayers needed to be protected against excessive costs, as we had argued, but finding that the proposed Re-MAT pricing mechanism ensured ratepayer indifference better than our proposed MPR-based volumetrically adjusting pricing system: “[W]e find today that Re-MAT, a market-based pricing methodology, best ensures ratepayer indifference under § 399.20(d)(3). A market-based approach is in the best interest of California electricity customers. We now know that the state’s renewable energy market has matured and prices have decreased.”</p>	<p><i>See D.12-05-035 at 60.</i></p>
FD, Increasing Project Size	<p>FD, at 57: “Clean Coalition supports increasing the capacity beyond the 3 MW capacity limitation in the statute and suggests the Commission, on its own authority, further increase the capacity limitation to 5 MW. Clean Coalition points to expedited interconnection processes that apply to projects up</p>	<p><i>See D.12-05-035 at 63.</i></p>

	<p>to 5 MW to justify its request. Joint Solar Parties support an increase to 5 MW. Sustainable Conservation points to the benefits to the grid offered by the increased project size and to developers in terms of financial viability.”</p> <p>The FD did not adopt our recommendation in this regard (at 58): “We find that increasing the maximum project size to 3 MW is reasonable based on the Commission’s obligation to implement the provisions of the statute and note that any reliability concerns triggered by individual generating facilities are appropriately identified and mitigated within the interconnection process. We decline to adopt a 5 MW program size limitation since the plain language of § 399.20(b)(1) clearly defines the effective capacity of not more than 3 MW.”</p>	<p><i>See</i> D 12-05-035 at 64.</p>
FD, Project Viability Criteria	<p>FD, at 62: “The Clean Coalition, FuelCell Energy, CEERT, and Silverado Power agreed that it is a critical issue to target viable projects since the amount of capacity in the § 399.20 FiT Program is limited. These parties stated that increasing the viability of contracts executed pursuant to this program will allow for more efficient management of the limited program capacity and benefit the market by reducing speculative contracts.”</p> <p>The FD agreed with our recommendation for project viability criteria, though not with all of our specific recommendations (at 63): “This decision adopts the</p>	<p><i>See</i> D.12-05-035 at 69.</p>

	above-noted project viability criteria 1 through 6.”	
FD, Increase Program Size	<p>FD, at 68: “We do not adopt the recommendation by some parties, including Vote Solar Initiative, Solar Alliance, Sierra Club, and Clean Coalition, to increase the cap beyond 750 MW. The Legislature created a specific program under § 399.20 limited to 750 MW and this program is, notably, a must-take obligation by utilities and the renewable generation procured under this program has cost implications for ratepayers. Therefore, today we set as our goal implementing the plain language of the statute and the 750 MW cap noted therein. Our decision today also rests upon our goal of achieving “ratepayer indifference” and cost containment within the program. We are sensitive, however, to the fact that the program’s MW may quickly be subscribed. In that situation, we will consider proposals from parties to expand the program.”</p> <p>At 68-69: “Furthermore, other parties, such as Clean Coalition and CEERT, suggest that the 750 MW cap is an amount in addition to the existing 250 MW cap enacted under AB 1969 and implemented by the Commission in D.07-07-027. We disagree. Again, we find that the plain language of the statute establishes a total cap of 750 MW for the entire § 399.20 Program and, accordingly, does not provide for an additional cap of 250 MW.”</p>	<p><i>See</i> D.12-05-035 at 75.</p> <p><i>See</i> D.12-05-035 at 76.</p>
FD, Solutions for Utilities’ Motion	FD, at 95: “In this proceeding, on November 10, 2011, the Commission issued a decision	<i>See</i> D.12-05-035 at 106.

	granting, in part, a motion filed by the Clean Coalition to change SCE's § 399.20 FiT Program standard power purchase agreement in a manner similar to those sought by Clean Coalition's petition for modification. ⁴ For instance, the November 10, 2011 decision addressed a request to add curtailment provisions and delete paragraphs 4.2, 14.2, 14.4. In addition, today's decision addresses the issue of pricing under the § 399.20 FiT Program which is also framed by Solutions for Utilities' petition for modification. A future decision in R.11-05-005 will address standard terms and conditions for the § 399.20 FiT Program standard power purchase agreement. Finally, R.11-09-011 is the proper forum to address modifications to the IFFOA and other interconnection agreement issues."	
The Clean Coalition also attended the All Party Meeting on May 1, 2012, and we provided our recommendations orally.	Our recommendations were considered, with other parties in attendance, in modifying the PD into the FD.	Yes
The Clean Coalition also attempted a number of ex partes, meeting with Commissioner Peevey's energy advisor, Scott Murtishaw, on April 19, 2012, and Commissioner Ferron's energy advisor, Sara Kamins, on ___, 2012, as well as preparing an Alternate Decision proposal that we presented to various parties and Commissioners	The Commissioners declined to adopt our recommendation for an Alternate Proposal.	Clean Coalition provided incorrect dates for its Ex parte communications in this proceeding. On April 25, 2012 Clean Coalition met with Sara Kamins and Ted Ko. On January 28, 2013 Clean Coalition met with

⁴ See D.11-11-012 (*Decision Granting, with Modifications, the Motion by Clean Coalition for Immediate Amendments of the Southern California Edison Company AB 1969 CREST Power Purchase Agreement*).

		Scott Murtishaw.
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA)⁵ a party to the proceeding? (Y/N)	Y	Verified
b. Were there other parties to the proceeding? (Y/N)	Y	Verified
c. If so, provide name of other parties: Comments were filed by numerous parties, including SCE, PG&E, SDG&E, DRA, TURN, CalSEIA, CEERT, SEIA, Sierra Club, Green Power Institute, Silverado Power. There are also hundreds of other parties to the proceeding that did not submit comments on this decision (as listed in the certificate of service to this filing).		Verified
d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: The Clean Coalition's compensation in this proceeding should not be reduced for any potential duplication of the showings of other parties. In a proceeding involving multiple participants (and there were many in this proceeding), it is virtually impossible for the Clean Coalition to completely avoid duplication of the work by other parties. Moreover, the Commission has noted that duplication may be practically unavoidable in a proceeding such as this where many stakeholder groups are encouraged to participate. In this case, for the May 1 all-party meeting, on instruction from PUC		Verified; we make no reductions to Clean Coalition's hours for duplication of efforts with other parties.

⁵ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013), which was approved by the Governor on September 26, 2013.

staff, we coordinated comments with several other parties including CalSEIA and Sierra Club so that our allocated time at the all-party was not duplicative. Additionally, the Clean Coalition took all reasonable steps to keep any possible duplication to a minimum, and to ensure that when it did happen, our work served to complement and assist the showings of the other parties. In reviewing other parties' comments we also note that the Clean Coalition's comments were unique on many issues. Moreover, the fact that the Commission cited the Clean Coalition's comments numerous times indicates the non-duplicative nature of our comments.

In summary, any incidental duplication that may have occurred here should be found to be more than offset by the Clean Coalition's unique contributions to the proceeding. Under these circumstances, no reduction to our compensation due to duplication is warranted.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation:	CPUC Verified
<p>The Clean Coalition has been active on feed-in tariff legislation and regulation for almost five years, the last two years as the "Clean Coalition" and previously as the "FIT Coalition." We have sponsored legislation on feed-in tariffs in Sacramento and have been involved from the outset at the CPUC in terms of implementing SB 32, as our numerous rounds of comments described above demonstrate. The Clean Coalition gained its name from CLEAN programs, which are a re-branding of feed-in tariff policies and an acronym for "clean local energy accessible now." We are nationally recognized experts on feed-in tariff policies and have been retained by a number of jurisdictions, including the City of Palo Alto and City of Fort Collins (Colorado) to help design local feed-in tariffs. The Final Decision cites the Clean Coalition's comments in numerous places and many aspects of the final program reflect our policy recommendations, even where we are not cited explicitly. While we were not happy with many aspects of the final program created by D.12-05-035, we feel that without our involvement it would likely have been a worse program.</p> <p>In particular, we argued for a Market Price Referent-based volumetrically-price-adjusting feed-in tariff, which would, if the Commission had adopted it, very likely have saved ratepayers money over the price mechanism the Commission adopted in D.12-05-035.</p>	Verified

This is the case because the prices can rise under the adopted mechanism if parties don't accept the price offered in the previous period, with no price cap (or fall if the allocation is fully subscribed). It is highly uncertain at this time, however, what the actual prices will be under the adopted program because we have no way of knowing at this time what the market response will be until the program is actually up and running. Accordingly, we won't know what financial impact our comments will have on ratepayers until the program has been underway for some time.

In terms of allocation of time between issues in this proceeding, there was really one overarching issue: the need to implement SB 32 with alacrity, certainty and transparency. D.12-05-035 concerns program design, and there are many sub-issues related to program design that were included. We will remain active in this proceeding as the Power Purchase Agreement is vetted and modified, and other necessary program elements are put in place in additional decisions.

We were always careful in terms of using the most appropriate personnel for each task. Attorney Tam Hunt was the lead on most SB 32 matters, with Associate Executive Director Ted Ko and Policy Director Sahm White, providing close support and attendance at CPUC events. Executive Director Craig Lewis provided constant review of all filed documents and policy positions, as well as weekly discussions. Attorney Becky Davis assisted where necessary. Dyana Delfin-Polk and Chase Adams assisted minimally.

In terms of allocation of time between issues in this proceeding, it is very difficult to provide a percentage for each sub-issue because our comments ranged widely over various concerns about proposed program design for SB 32 implementation. All of our efforts were focused on ensuring a functional SB 32 program that provides good value to ratepayers as well as an effective program for achieving the law's objective of spurring renewable energy development while keeping ratepayers economically indifferent.

B. Specific Claim:*

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Tam Hunt	2011	105.75	\$330	D.11-10-040and D.08-04-010 ⁶	\$34,898	2011	105.75	\$300	\$31,725.00
Tam Hunt	2012	51.75	\$330	D.11-10-040 and D.08-04-010	\$17,078	2012	51.75	\$310	\$16,042.50
Becky Davis	2011	35.5	\$205	D.08-04-010	\$7,278	2011	35.5	\$150	\$5,325.00
	Subtotal:				\$59,254				\$53,092.50
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Craig Lewis	2011	16.25	\$175	D.08-04-010	\$2,844	2011	16.25	\$175	\$2,843.75
Craig Lewis	2012	4.5	\$184	D.08-04-010	\$828	2012	4.25	\$180	\$765.00
Ted Ko	2011	28.25	\$175	D.08-04-010	\$4,944	2011	\$175	28.25	\$4,943.75
Ted Ko	2012	62.75	\$184	D.08-04-010	\$11,546	2012	\$180	62.75	\$11,295.00
Sahm White	2011	67.5	\$270	D.08-04-010	\$18,225	2011	\$270	67.50	\$18,225.00
Sahm White	2012	12.25	\$270	D.08-04-010	\$3,308	2012	\$280	12.25	\$3,430.00
Dyana Delfin-Polk	2012	8	\$75	D.08-04-010	\$600	2012	\$80	8	\$640.00
	Subtotal:				\$42,295				\$42,142.50
OTHER FEES									
Describe here what OTHER HOURLY FEES you are claiming (paralegal, travel, etc.):									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
	Subtotal:					Subtotal:			
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Tam Hunt	2012	13.5	\$175	D.11-10-040 and	\$2,363	2012	13.5	\$155	\$2,092.50

⁶ D.11-10-040 at 9, approved \$300 an hour for Hunt in 2009, and D.08-04-010 at 8, provides for a 5% annual increase each year within each level of experience, up to two times, so the correct rate for 2010 is \$315, for 2011 \$330, and we now request \$330 an hour for Hunt for 2012. See Attachment A for resumes for each Clean Coalition staff member.

				D.08-04-010					
Chase Adams	2012	7.5	\$92.5	D.08-04-010	\$694	2012	0	\$80	0
	Subtotal:				\$3,057				\$2,092.50
COSTS									
#	Item	Detail			Amount	Amount			
Subtotal:						Subtotal:			
TOTAL REQUEST \$:					104,606	TOTAL AWARD \$:		\$97,327.50	
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p>									
Attorney		Date Admitted to CA BAR ⁷			Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation		
Tamlyn (Tam) Hunt		January 29, 2002			218673		From January 1, 2005 until April 27, 2009 Mr. Hunt was an inactive member of the State Bar.		
Rebecca (Becky) Davis		December 1, 2010			271662		No.		

C. Clean Coalitions' Comments and Attachments on Part III:

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Time record
3	Staff resumes

D. CPUC Disallowances & Adjustments:

#	Reason
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⁷ This information may be obtained at: <http://www.calbar.ca.gov/>.

1. Adjustment to Mr. Hunt's 2011 hourly rate.	D.11-10-040 sets Mr. Hunt's 2011 hourly rate at \$300 per hour. We find this rate to be a reasonable representation of Mr. Hunt's experience. Clean Coalition did not provide a current resume for Mr. Hunt with its submitted Intervenor Compensation Request. However, Commission staff obtained a copy via an email request. Although D.08-04-010 allows for an annual "step increase" of 5%, twice within each experience level and capped at the maximum level, this step increase is not appropriate here. Mr. Hunt was primarily responsible for drafting Clean Coalition's Intervenor Compensation Request, as reflected via Clean Coalition's timesheet. The amount of citation errors in the Request is not reflective of an intervenor with the years of experience that Mr. Hunt has. These errors coupled with Clean Coalition's non-existent argument for why Mr. Hunt should be awarded a higher hourly rate supports our determination to uphold the \$300 per hour 2011 hourly rate set for Mr. Hunt in D.11-10-040.
2. Adjustment to Ms. Davis' 2011 hourly rate.	After reviewing Ms. Davis' resume the Commission finds the rate of \$205 to be a little high given Ms. Davis' years of experience as an attorney. In 2011, Ms. Davis had only been practicing as an attorney for 1 year. Since this is Ms. Davis' first time appearing before the Commission, we adopt the rate of \$150 per hour for work Ms. Davis completed in 2011. This hourly rate is reasonable and conforms to the parameters set within D.08-04-010.
3. Adoption of Mr. Lewis' 2011 hourly rate.	After reviewing Mr. Lewis' resume the Commission finds the rate of \$175 to be reasonable within the parameters of D.08-04-010. The Commission adopts a rate of \$175 per hour for work Mr. Lewis completed in 2011.
4. Adoption of Mr. Ko's 2011 hourly rate.	After reviewing Mr. Ko's resume the Commission finds the rate of \$175 per hour to be reasonable within the parameters of D.08-04-010. The Commission adopts a rate of \$175 per hour for work Mr. Ko completed in 2011.
5. Adoption of Mr. White's 2011 hourly rate.	After reviewing Mr. White's resume the Commission finds the rate of \$270 per hour to be reasonable within the parameters of D.08-04-010. The Commission adopts a rate of \$270 per hour for work Mr. White completed in 2011.
6. Adoption of Ms. Delfin-Polk's 2012 hourly rate.	After reviewing Ms. Delfin-Polk's resume the Commission finds the rate of \$75 per hour to be reasonable within the parameters of D.08-04-010. The Commission adopts a rate of \$75 per hour for work Ms. Delfin-Polk completed in 2012.
7. Disallowance for undocumented hours.	Clean Coalition did not provide documented hours in its filed excel spreadsheet for Mr. Adams' work. After communicating with Clean Coalition via email, they specified they could not produce a record of the hours Mr. Adams spent working on Clean Coalition's Intervenor Compensation Claim. As such, we disallow 7.5 hours Mr. Adams spent working Clean Coalition's Request.
8. Increase in 2012 hourly rates.	Pursuant to Resolution ALJ-281 2012, hourly rates have been raised to reflect the 2.2% Cost-of-Living Adjustment adopted by the resolution.

PART IV: OPPOSITIONS AND COMMENTS**A. Opposition: Did any party oppose the claim?**

No

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?

Yes

FINDINGS OF FACT

1. Clean Coalition has made a substantial contribution to Decision 12-05-035.
2. The claimed fees and costs are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$97,327.50.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Clean Coalition is awarded \$97,327.50.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay Clean Coalition their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2011 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning September 29, 2012, the 75th day after the filing of Clean Coalition's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

4. Rulemaking 11-05-005 is closed.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1205035		
Proceeding(s):	R1105005		
Author:	ALJ Regina DeAngelis		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Clean Coalition	07/16/12	\$104,606.00	\$97,327.50	No	Undocumented hours; Resolution ALJ-281.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Tam	Hunt	Attorney	Clean Coalition	\$330	2011	\$300
Tam	Hunt	Attorney	Clean Coalition	\$330	2012	\$310
Becky	Davis	Attorney	Clean Coalition	\$205	2011	\$175
Craig	Lewis	Expert	Clean Coalition	\$175	2011	\$175
Craig	Lewis	Expert	Clean Coalition	\$184	2012	\$180
Ted	Ko	Expert	Clean Coalition	\$175	2011	\$175
Ted	Ko	Expert	Clean Coalition	\$184	2012	\$180
Sahm	White	Expert	Clean Coalition	\$270	2011	\$270
Sahm	White	Expert	Clean Coalition	\$270	2012	\$280
Dyana	Delfin-Polk	Analyst	Clean Coalition	\$75	2012	\$80

(END OF APPENDIX)